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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,430	06/29/2001	Kent S. Sorenson	B-053	8990

7590 10/07/2003  
Stephen R. Christian  
Bechtel BWXT Idaho, LLC  
P.O. Box 1625  
Idaho Falls, ID 83415-3899

EXAMINER

BARRY, CHESTER T

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,430

Applicant(s)

SORENSEN, KENT S.

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/29/01, 7/30/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: E-MAIL FROM BOB BOLIN 9/27/03

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Claims 1, 2, 5, 6, 7, 9, 12 – 17, 19 – 21, 24-27, 30-33, 35, 36, 39-42, 45-48, 50 are rejected under 35 U.S.C. Sec. 102(b) as being clearly anticipated by USP 6001252 to Rice (col 4 lines 7-31). Sodium lactate, a salt of lactic acid, is described at col 17.

Claim 2 is met by inherency.

Claims 3, 18, 22, 34, 37, 49 are rejected under 35 USC §103(a) as obvious over Rice '252. Rice suggests using any microorganism capable of reductive dehalogenation. The microorganisms recited in the claims appear to be known reductive dehalogenation microorganisms. Therefore, it would have been obvious to have substituted the recited microorganisms for those described by Rice '252. Concentration is a known result-effective variable, so optimization of the amount of electron donor material added would have been obvious.

Claims 8, 10, 11, 28, 29, 43, 44 are rejected under 35 USC §103(a) as obvious over Rice '252 in view of USP 6420594 to Farone. Rice '252 is applied as above. Farone teaches that ethyl lactate can be used as an electron donor in reductive dehalogenation methods. It would have been obvious to have used ethyl lactate or a combination of sodium lactate and ethyl lactate in the Rice method given Farone's teaching.

Claims 4, 23, 38 are rejected under 35 U.S.C. Sec. 102(b) as being clearly anticipated by USP 5464771 to Bryant. See in particular col 4 line 50 ("co-catabolic").

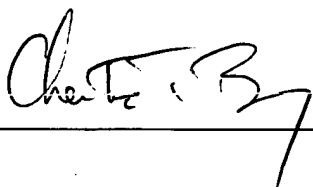
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Ref D – G are cited of interest to show the state of the prior art.

Respectfully,

A handwritten signature in black ink, appearing to read "Chestert T. Barry", is written over a horizontal line.

**CHESTERT T. BARRY**  
**PRIMARY EXAMINER**

703-306-5921

## Barry, Chester

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**From:** bbolin@uidaho.edu  
**Sent:** Saturday, September 27, 2003 11:40 PM  
**To:** chester.barry@uspto.gov  
**Subject:** Record from Worldcat

Database: WorldCat  
Query: au: sorenson and au: kent

**Comment:**

Since WorldCat is widely available around the world and we loan theses through interlibrary loan, that thesis was publicly available when it was entered into the OCLC database.

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Bob Bolin, University of Idaho Library

Intrinsic and enhanced in situ biodegradation of trichloroethene in a deep, fractured basalt aquifer /

Kent S Sorenson  
2000 English Book :  
Thesis/dissertation/manuscript xviii, 224 leaves : ill. ; 29 cm.

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Connect to the catalog at University of Idaho Library

**Title:** Intrinsic and enhanced in situ biodegradation of trichloroethene in a deep, fractured basalt aquifer /

**Author(s):** Sorenson, Kent S.

**Year:** 2000

**Description:** xviii, 224 leaves : ill. ; 29 cm.

**Language:** English

**SUBJECT(S)**

**Descriptor:** Trichloroethane.  
In situ bioremediation.  
Groundwater -- Pollution -- Idaho.

**Note(s):** Includes bibliographical references (leaves 209-224). / Dissertation: Thesis (Ph. D.)--University of Idaho, 2000.

**Class Descriptors:** LC: TD192.8

**Responsibility:** Kent S. Sorenson, Jr.

**Material Type:** Thesis/dissertation (deg); Manuscript text (mtx)

**Document Type:** Book

→ **Entry:** 20000717 [JULY 17, 2000]

**Update:** 20020827

**Accession No:** OCLC: 44600096

**Database:** WorldCat

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